

## SHERIDAN COUNTY RESOLUTION NO 12-46

A RESOLUTION PERTAINING TO OPEN BURNING OF PASTURE, TILLABLE FARM GROUND, CONSERVATION RESERVE PROGRAM LAND, WATER WAYS, RIGHT-OF-WAYS AND OTHER LAND.

**Whereas**, the grass and cropland of Kansas forms an important part of our economy, and provides for the protection of watersheds, forage for livestock, refuge for wildlife and recreational opportunities. Wildfires endanger those resources, real and personal property, and the lives of residents and visitors in these areas; and

**Whereas**, dry and windy weather conditions and above normal temperatures, combined with open public burning without consulting local fire departments sometimes creates a fire hazard to the grass and crop land of Sheridan County, Kansas; and

**Whereas**, once started, these fires are often difficult to control. Out of control fire impacts the resources of rural fire districts not only financially, but in manpower as well.

**Whereas**, the damage caused by out of control fires can be minimized by requiring the public to notify the proper authorities of their intent to conduct open burning of pasture, stubble ground, conservation reserve program land, water ways, right-of-ways and other land.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS, SHERIDAN COUNTY, KANSAS DO HEREBY RESOLVE AS FOLLOWS:

- I. **Definitions:** The following definitions apply to this resolution:
  1. **Open Fire.** Any fire that is not started in a non-combustible container.
- II. **Regulations and Requirements:** Any person starting an open fire as defined herein shall comply with the following:
  1. Prior to any such burning, the dispatcher at the Sheridan County Sheriff's office at (785) 675-3481 shall be notified of the intent to burn. Information concerning the location, including specific travel directions, approximate beginning time and approximate length of burn shall be given to the dispatcher at the time of notification. In the event the fire is not started within one (1) hour of the estimated time, no open burning shall take place on that day and until further notice to the Sheridan County Sheriff's office.
  2. No open fires shall be set if the wind, at the time of setting said fire, is reaching a velocity of more than 15 miles per hour.
  3. All open burning shall be attended from the time of starting to the time the fire is out.
  4. The person setting the open fire assumes all responsibilities for any fire damage that may result from said fire to neighboring property.
  5. No open fire shall be set without a proper firebreak (mowing, tilling or plowing around the area to be burned) for at least fifteen (15) feet on all sides of acres to be burned.
  6. The Sheridan County Board of Commissioners may impose a countywide burn ban, during which time no burning will be allowed under any circumstances.

III. **Penalties and Fees:** In accordance with K.S.A. 19-4701 and 19-102(d), a violation of the above Regulations and Requirements shall result in the person setting the open fire being subject to the following, to wit:

1. A violation of the above Regulations and Requirements shall be considered a misdemeanor and any person convicted of violation of the resolution shall be fined in an amount no less than \$100.00 nor more than \$500.00.
2. If a rural fire department is called to or responds to an open fire, and the person responsible for the fire has not complied with the notification requirements and safety precautions, fees will be charged to that person as follows:
  - a. \$50.00 per vehicle for the first two hours the vehicles are on site.
  - b. \$25.00 per vehicle for each additional hour.
  - c. Any and all losses to equipment as a result of fire.
  - d. A maximum of \$500.00 per incident.

IV. **Liability of Damages:** All burning conducted that is not in accordance with this resolution shall be conducted at the sole cost, risk and expense of the individual. The Board of Commissioners, Sheridan County, Kansas and RFD1 accept no responsibility or liability with respect to any such burning. Individuals should adopt appropriate safety measures as are dictated by each specific situation.

**In witness whereof**, the Board of Commissioners, Sheridan County, Kansas adopted the above resolution this 18<sup>th</sup> day of June 2012.

Board of County Commissioners  
Sheridan County, Kansas

Vic Bielser, Chairman  
Troy Dewey, Commissioner  
Doyle Kauk, Commissioner